UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1992/SR.15
11 February 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Forty-eighth session

SUMMARY RECORD OF THE 15th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 6 February 1992, at 10.0 a.m.

Chairman: Mr. SOLT (Hungary)

later: Mr. WALKER (Australia)

CONTENTS

Statement by the Minister for Foreign Affairs of Tunisia

Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.92-10430/4203B

CONTENTS (continued)

an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development (continued)

Question of the realization of the right to development (continued)

Status of the International Covenants on Human Rights (continued)

Effective functioning of bodies established pursuant to United Nations human rights instruments (continued)

The meeting was called to order at 10.10 a.m.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF TUNISIA

1. Mr. BEN YAHIA (Tunisia), having praised the role played by the United Nations in general, and the Commission on Human Rights in particular, in promoting human rights at both the national and international levels, said that the active participation of non-governmental organizations in the work of the Commission brought it closer to the concerns of the peoples.

2. The protection of human rights in his country was based on a firm conviction long rooted in its traditions. Tunisia had known a long struggle for justice and freedom. Its first constitutional text, which had been drafted in 1857, had laid the foundations for the rights of the individual. The Constitution adopted in 1959, on the morrow of independence, had guaranteed human rights in the noblest sense of the term. The Constitution placed sovereignty in the hands of the people and ensured the separation of powers. The Declaration of 7 November 1987 had further strengthened the human rights anchored in the Constitution. Tunisia's main objective in the area of human rights was to promote culture, freedom and the rule of law for all its citizens. The best support for the rule of law was a society in which all citizens fully accepted their rights and responsibilities and contributed to the process of development.

3. He wished to draw particular attention to the status of women in Tunisian society. Thanks to Tunisian legislation, the rights of women were protected both at home and at work. The recent appointment by the President of the Republic of a woman to the post of Adviser for Women's Rights was only one of a number of measures aimed at improving women's rights in the various sectors of Tunisian society.

4. Tunisia's unswerving determination to promote human rights extended to the nation's educational system, in which pupils were taught the value of freedom and the rule of law. The President of the Republic, who took a personal interest in the promotion of human rights, had recently decided that a chair of human rights should be established in every Tunisian law faculty.

5. Since the Declaration of 7 November 1987, efforts to strengthen confidence had led to the release of all political prisoners, the proclamation of a general amnesty and the restoration of the civic rights of those persons sentenced, an appeal to political exiles to return home and the rehabilitation of many activists. The first measure taken in the aftermath of 7 November had been to draft the National Pact, signed by the representatives of all the political parties, movements, professional organizations and trade unions in the country. A Constitutional Council had been established, the duration of pre-trial detention and police custody had been reduced, and prison regulations had been introduced that were consistent with the standards laid down by the United Nations. Hard labour had been abolished, and many persons condemned to death had benefited from a presidential pardon, with the exception of six cases concerning particularly heinous crimes.

6. The President of the Republic had personally supervised the initiation of a democratic dialogue and the establishment of the rule of law and legal institutions and had been active in improving the legislation on political parties. Legislation on the right of association had also been amended, making Tunisia an attractive location for many non-governmental organizations, which included sections of Amnesty International and Greenpeace.

7. The President of the Republic's personal interest in promoting a free press had resulted in the lifting of press restrictions and a limitation of the concept of defamation. It was no accident, therefore, that 565 publications were currently on sale in Tunisia, including 115 local publications. Apart from the legal aspects, the effort by the President of the Republic to promote the freedom of the press was also illustrated by the importance he attached to the maintenance of high ethical standards in the profession.

8. The Electoral Code had been amended on two occasions with a view to enabling the opposition to be represented in the Chamber of Deputies and the Municipal Councils. It should also be mentioned that his Government, which appreciated the important role played by the Tunisian League for the Defence of Human Rights in promoting human rights, had seen to it that the League was provided with all the necessary facilities to carry out its work in the best possible conditions.

9. At another level, Tunisia had ratified all the international human rights instruments and regularly submitted its reports to the United Nations, being well aware that ratified international treaties had precedence over domestic legislation.

10. Tunisia, which called for the respect of human rights and was working tirelessly to build a society in which fraternity, stability, security and civil peace prevailed and where there was no extremism or violence of any kind, welcomed the positive developments taking place in respect of human rights throughout the world and paid a tribute to the work of the Human Rights Committee.

11. Human rights constituted an indivisible whole and no country could concern itself with political, economic and social rights at the expense of other rights. In that connection, human rights were faced with many dangerous challenges, not least of which was the appearance of the phenomenon of religious extremism. Such extremism usually acted under a politico-religious cover and took advantage of democracy and pluralism in order to threaten the stability of society, sow the seeds of chaos and uncertainty, and exploit the impetuousness and sincerity of citizens, the aim being to impose a totalitarian ideology in the name of democracy. It was essential to warn the advocates of true democracy not to support mistakenly the enemies of freedoms and human rights. In that connection, his Government took the opportunity to express its support for the efforts made by the Commission to curb religious intolerance.

12. His Government, which banned all forms of extremism, intolerance and despotism, also condemned excessive behaviour in applying the law. It had never hesitated to adopt the most severe disciplinary measures against certain

members of the police force and to bring them to trial to answer for their acts. Judicial proceedings had been thus instituted against all such persons who had broken the law, in particular as a result of the report submitted by the commission of inquiry to the President of the Republic.

13. He welcomed the initiative taken by the Commission on Human Rights to include the question of Palestine and the violations of human rights in South Africa and elsewhere as priority items on its agenda. The Palestinian question, one of the greatest injustices of modern times, had not yet been resolved despite the fact that the Palestinians had shown their readiness to accept a peaceful solution. That situation was due mainly to the intransigence of Israel and its policy of establishing settlements in violation of many international resolutions.

14. His Government welcomed the holding of the Middle-East Peace Conference and paid tribute to the support which the United Nations and the Commission continued to give to the Palestinian cause so as to enable the Palestinian people to build their own State and regain their rights. He appealed to the international community, which was working to build an international society founded on peace and respect for human rights, to find effective formulas capable of persuading Israel to accept a peaceful, just and comprehensive solution to the Palestinian question. That appeal was addressed in particular to the parties that had participated in the multilateral negotiations recently held in Moscow, which should promote the establishment of an ad hoc working group concerned with human rights in the occupied territories.

15. Tunisia had followed closely the positive steps that had been taken in Africa and the victories won by the democratic forces at all levels there. Those developments were the culmination of the fight by the African peoples and democratic movements in Africa, supported by the international community, which had made a major contribution to the democratic changes taking place in South Africa, which had been led to abolish its racial segregation laws.

16. Tunisia, which believed in the values of freedom and the right of peoples to self-determination, had reaffirmed its devotion to those principles through the voice of its President on 18 January 1992 on the occasion of the visit to Tunisia of Mr. Nelson Mandela, President of the African National Congress.

17. Faithful to the sacred causes of liberty and human rights and linked to the African continent by a common destiny, Tunisia wished to express to all African countries its sincere thanks and to tell them how much it appreciated the fact that it had been chosen to host the African Regional Congress on Human Rights as part of the preparations for the World Congress on Human Rights to be held at Berlin in 1993.

18. Economic, social and cultural rights were still difficult to achieve in view of the current international economic situation, which had had a negative impact on the economies of third-world countries and which continued to hamper their progress towards full development. The worsening of the international economic crisis amd the enormous sacrifices of the third-world countries incited them to intensify their efforts and to try to find appropriate means to deal with economic questions so that their populations could enjoy the economic, social and cultural rights enshrined in the United Nations Charter.

19. His Government had noted, with deep regret, the transfer of the wealth of the developing countries to the creditor countries. It had also noted the absence of capital flows to the medium-income countries, which hardly encouraged the efforts they were making to restructure their economies, at great sacrifice, and to lay the bases for a democratic society founded essentially on human rights and fundamental freedoms.

20. While noting with satisfaction the adoption of resolutions aimed at alleviating the debt burden of the developing countries in general, his Government expressed the hope that the scope of those bold resolutions would be extended to medium-income countries. It also hoped that the industrialized countries would establish a programme to reschedule debt servicing.

21. The industrialized countries must be invited to assume their responsibilities without delay and to adapt their economic relations with the third-world countries so that the economies of those countries could benefit from the resources and basic techniques essential to development, within the framework of a fairer and more equitable new world economic order.

22. While working to lay the basis for a society subject to the rule of law and a multiparty system, Tunisia continued to make progress towards the promotion of the political, economic and social rights of its people within the framework of a stable and fraternal society where solidarity reigned. The protection and defence of human rights constituted a fundamental and irrevocable choice which his Government had made and it would not hesitate to defend its achievements in that field and to protect them from all forms of extremism.

23. Mr. Walker (Australia) took the Chair.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT (agenda item 7) (continued) (E/CN.4/1992/9; E/CN.4/1992/NGO/3; E/CN.4/Sub.2/1991/17)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 8) (continued) (E/CN.4/1992/10)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 15) (continued) (E/CN.4/1992/61; E/C.12/1988/1; CCPR/C/2/Rev.2; A/46/393)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 16) (continued) (E/CN.4/1992/44; E/CN.4/1992/NGO/7; A/46/503, 650 and 668)

24. Mr. HARTLEY (World University Service) said that, in 1992, his organization was to publish its second report on academic freedom and the right to education, which would examine the continuing closure for political reasons of universities in several countries and new closures of educational

institutions elsewhere in 1991, the banning of student unions and of associations of academics and restrictions on freedom of expression and association on university premises. Attention would be focused on cases of intimidation, arrest and killing of academics for the sole reason that they discussed peace and human rights within the university or because they were involved in human rights education off the campus.

25. The right to education was violated if institutes of higher education did not enjoy autonomy and academic freedom. At the last session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, his organization had submitted a written statement, on its own behalf and on behalf of the International Youth and Student Movement for the United Nations, the International Federation of University Women and the International Union of Students, informing the Sub-Commission of efforts made in the area of standard-setting for academic freedom and university autonomy. Reference had been made to the Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education, adopted in 1988 by the World University Service, the Kampala Declaration on Intellectual Freedom and Social Responsibility, of 1989, and the 1990 Draft Bill on Academic Freedom and the Rights of Academic Communities of the International Union of Students. Adopted by many organizations of teachers and university professors since 1988, the Lima Declaration had served as a useful tool on many occasions when academic freedom and university autonomy were threatened or violated.

26. There was a need for further standard-setting to safeguard the right to education, academic freedom and university autonomy. Unfortunately, no mention had been made of the subject in any recent Commission report. His organization was pleased that the United Nations Educational, Scientific and Cultural Organization (UNESCO), a number of other specialized agencies and various Governments had been giving increased attention to the subject, and it called upon the Commission to continue studying the need for and possibility of further standard-setting in the area.

27. Ms. GUZMAN (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that, although most Latin American countries had signed the International Covenant on Economic, Social and Cultural Rights, the economic, social and cultural situation of the Latin American population had reached a critical stage.

28. In Bolivia, the economic policy introduced in 1985 to fight runaway inflation and reactivate the country's economy had taken a heavy social toll: the closing of mines and the privatization of public enterprises had resulted in mass dismissals and a wage freeze. Enterprises could terminate labour contracts at will, and the Government was thus not guaranteeing the right to work. The current minimum wage was the equivalent of US$ 34 per month, which did not cover the basic needs of families. Thus, the right to enjoy an adequate standard of living was not being respected either.

29. Coca growers were facing serious difficulties, because the order to replace the cultivation of the coca plant by other crops had not been accompanied by effective measures to enable them to do so and to earn an adequate living; furthermore, the presence of armed forces to suppress drug trafficking had aroused discontent, because the coca growers had been the victims of numerous human rights violations.

30. In Guatemala, the current Government had been unable to overcome the economic crisis it had inherited. The neo-liberal policy being pursued had led to 6,000 dismissals from the lower grades of the public sector. Labour protests had been violently suppressed . The Government was supporting employers in their efforts to frustrate the right to form trade unions. Repression in the countryside had caused a flight from the land, with a resulting growth in slums lacking the most basic services. A cholera epidemic had broken out; as of December 1991, 2,737 cases had been reported, and 43 persons had died.

31. The countries of Latin America were suffering, in the name of development, from a systematic destruction of their resources. For the past 500 years, they had been the source of raw materials for the developed countries and had been exploited and pillaged without any consideration for the environment. The desertification, deforestation and widespread pollution that was looming would worsen the continent's poverty. The International Monetary Fund, the World Bank and the developed countries must stop demanding that Latin America pay off its external debt, which was impossible. The lives of millions of persons were at stake.

32. Ms. BANDETTINI di POGGIO (International League for the Rights and the Liberation of Peoples) said that poverty could undoubtedly be the cause of, but was not synonymous with, many human rights violations nor was it necessarily due to adverse natural or economic conditions alone. The Western world was certainly responsible for more than just the occupation, colonization and exploitation of many countries and had left a worrisome heritage of administrative and governing systems that were not at all appropriate to the needs of the developing countries. That situation was further compounded by unfavourable terms of trade, increasing debt levels, lack of liquidity and the economic adjustment policies required by the International Monetary Fund and the World Bank.

33. There was no denying the fact, however, that many of the problems those countries were currently experiencing were home-grown, such as the acceptance by their leaders of Western values and development models, usually for reasons of personal greed. That was so in the case of all forms of regimes, whether they were democracies, monarchies or military or civilian dictatorships. In each case, the goal was to devise legalized ways and means to keep a small oligarchic class in power, so that it could misappropriate the country's wealth and exploit its own people. It was hardly surprising, therefore, that economic, social and cultural rights in those countries were not being respected.

34. In many countries in Africa for instance, agrarian reform and an equitable distribution of productive lands were unknown. In most cases, emphasis was placed on exporting agricultural products, a practice which rarely benefited the general population. Monocultures led to land impoverishment and famine. Needless to say, the people were not allowed to participate in the economic decision-making process, and trade-unions were rarely tolerated.

35. Her organization had, for example, been receiving reports that ill-advised agricultural practices had triggered a serious famine in southern Madagascar. The local rice harvest had been virtually destroyed and extreme

and widespread poverty had resulted. That was an instance of a serious violation of article 11, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights. Her organization had also received alarming information concerning the sale of children by families living in extreme poverty, despite article 10, paragraph 3, of the Covenant, which stated that special measures of protection and assistance should be taken on behalf of all children.

36. In Sri Lanka, Sinhalese had been proclaimed in 1956 the sole official language of the country, making it almost impossible for the Tamil portion of the population to have access to a number of jobs. Legislation had also deprived the Tamils of higher education, in violation of article 13, paragraph 2 of the Covenant. Apart from the specific human rights violations involved, the policy represented a denial of the existence of a specific Tamil culture.

37. Her organization had received some information concerning legislation adopted in Bhutan that banned unions or associations and denied the people's right to participate in the political decision-making process at the local and national levels, thus preventing them from taking part in the social and economic life of their country. Given the gravity of the situations described in the reports received, her organization urged the Commission to inquire into the matter, despite the fact that Bhutan was not a party to the International Covenants on Human Rights

38. Mr. Solt (Hungary) resumed the Chair.

39. Mr. PAZ (International Youth and Student Movement for the United Nations) said that the return to democratic life in Bolivia in 1982 after 18 years of dictatorship, had not ensured full conditions for the respect of human rights and fundamental feedoms. There was still a kind of official assault which was reflected in a series of economic and social measures that had led to a serious deterioration in the standard of living of most of the population.

40. At the economic level, the "structural adjustments" of the neo-liberal policy had produced ongoing social conflicts as a result of mass dismissals of workers from public enterprises and the application of free contracting in the private sector, whereby the owners of enterprises were able to dismiss their workers without giving any justification.

41. The reduction in public expenditure had been reflected in recent years in a deterioration of the educational and health services. Some 45 per cent of the population was illiterate and 50 per cent of the children did not attend school. There had been a substantial reduction in the number of workers whose health was protected by the social security system.

42. Many private enterprises, with governmental support, restricted membership of trade unions by threatening their workers with immediate dismissal. The right to strike had also been restricted. In that connection, he said that, in December 1991, members of the national police had entered premises where miners, their wives and children were on hunger-strike and had taken the miners under police escort to their workplace.

43. In January 1992, students and university professors had been detained for 24 hours after a prolonged clash between university groups and the special forces of the police.

44. Democratic institutions had been seriously affected as a result of efforts to disregard the separation of powers and subordinate the legislature and the judiciary to the Executive. During the last two years of meetings of the National Congress, none of the objections raised by the opposition against governmental authorities had been successful, thereby neutralizing the only constitutional machinery available to exercise control over actions by the Government.

45. Delays in legal procedures had not made it possible so far to determine the circumstances of the death of the three members of the so-called Nester Paz Zamora Commission (NPZC) who had been killed when the security forces, under the direction of foreign advisers, had stormed the place where the industrialist Jorge Lonsdale, who also died in the incident, was being held. According to eyewitnesses, two of the three members of the NPZC had been taken alive and executed by foreign advisers. Nor had it been possible to clarify the circumstances of the killing of the Peruvian member of the NPZC, Alejandro Escóbar Gutierrez, who had been tortured by police officers.

46. The Bolivian authorities had also been involved in cases of arbitrary detention and arrests. The most publicized case was that of Mrs. Margot Boussiere, who had been detained and extradited to Canada, with the participation of agents of the special narcotics control force. The case was still pending, despite the intervention of the Commission on the Constitution, Justice and Judicial Police of the National Congress.

47. The sale of and traffic in children was another case that had stirred public opinion. The Commission on the Protection of Children of the Chamber of Deputies had established the responsibility of health workers and lawyers employed by the State, who had been prosecuted but had not so far been punished for their crimes.

48. Bolivia had been experiencing difficult moments of tension as a result of the declaration of a state of siege, which had led to the suspension of constitutional guarantees and rights. That situation had arisen in connection with efforts to deal with the drug traffic. However, the action taken by the Government had led to attacks against the farmers growing the coca leaf. Hundreds of families which had, from time immemorial, made their living by growing the leaf, but which were not involved in the drug traffic, were under constant threat as a result of the militarization of their work areas. The Government retained the power to declare any of the coca-producing areas a military zone, thus restricting the fundamental rights and constitutional guarantees of entire populations.

49. In conclusion, he said that, in Bolivia, fundamental rights and constitutional guarantees were restricted because of the contradiction existing between the national law codes and the political Constitution of the State because all the codes, apart from the Family Code, had been dictated by de facto Governments and had not yet been brought into line with the Constitution.

50. Mr. SAMOURA (World Social Prospects Association) said that there was no longer any need to show that, under fine words like independence, development, democracy and peace, the colonial covenant continued to exist in the poorest countries, promoting uncontrolled profits and creating explosive situations.

51. The question of the effective enjoyment in all countries of the economic, social and cultural rights proclaimed in the Universal Declaration of Human Rights therefore met an absolute need and reflected the consecration of a principle of solidarity. Everyone belonged to the same world and, in that sense, was part of the same civilization that was troubled by contradictory movements, mixed with sterile controversies that could lead to dangerous clashes.

52. The time had thus come to address the question of the social implications and, in particular, the social objectives of a new world order. The international community should outline a major project based on the implementation of the obligations contained in the International Covenant on Economic, Social and Cultural Rights. An end was needed to the philosophizing about the limits of economic growth and all production forces should be mobilized in the service of another kind of growth that would find its raison d'être in a new order.

53. In the name of an ideal of justice and equality which coincided with the common weal, peoples were reaffirming their right to participate fully in the elaboration of the rules that were to govern the life of the international community. In other words, they were demanding to become "something", which presupposed the full recognition of their identity and their ambitions.

54. Mr. HESSEL (France) said that, in a world in which internal conflicts, the problem of refugees and poverty accompanied the transition to democracy, there was a profound need for partnership in development. For that reason, his Government could not contemplate without dismay a situation in which only a quarter of the world's population enjoyed the benefits of progress, while three-quarters remained a prey to malnutrition, illness, poverty and despair.

55. It was for that very reason, that the universal dimension of the campaign for human rights and the right to development should be recalled. All persons were affected by the sufferings of others and by injustice. It was significant that vast migrations of population were currently occurring. Such economic migrations were awaited by host populations, in an uncertain socio-economic environment, with fear if not hostility. In their turn, social exclusion and incomprehension engendered racism and xenophobia. The phenomena were closely linked, and required a response on the part of the entire international community.

56. There was no doubt that the right to education, to food, to health, to suitable housing and to a more healthy environment were components of the right to a sustainable and just form of development. State institutions could facilitate the actions and initiatives of social and economic associations which, in their turn, mobilized human potential, acting as a catalyst for development. Governments had an obligation of accountability to their citizens, which was a guarantee of sustainable development.

57. On the other hand, the legitimate concern that the defence of individual liberties should be pre-eminent should not lead to neglect of other concerns, such as hunger and illiteracy, which also damaged human rights. In that connection, his delegation strongly supported the proposal, approved by the Commission in principle the previous year, that an attempt should be made to draw upon the thinking and experience of the very poor and their helpers before taking decisions concerning them.

58. The effort to implement the right to development involved a strengthening of international cooperation in both quantitative and qualitative terms. What was required was a form of economic assistance which took into account the needs of the great majority, while involving the people themselves in the process of taking the decisions which would affect them. The emphasis should thus be on human development, and neither the Commission nor any other United Nations body should take it upon itself to determine what a people needed.

59. Primary responsibility for development and democratization remained at the national level, and no country was in a position to act as a model. The main criterion must always be the development of the individual, and the function of non-governmental organizations and advisory bodies was to help strengthen a pluralist society. Without the active and willing participation of individuals and communities, no development policy could succeed. It was, for that reason, important to affirm once again the need for dialogue between those who were engaged in promoting development and those engaged in defending human rights.

60. Ms. HEVESI (Hungary) said that her Government continued to attach particular importance to the universal ratification of accession to and the incorporation into domestic legislation of the International Covenants on Human Rights and the Protocols thereto. There could be no valid reason for any State failing to do so. In addition, it was important to avoid the erosion of those instruments by derogation. In the circumstances, her Government was considering the possibility of Hungarian accession to the second Optional Protocol to the International Covenant on Civil and Political Rights.

61. Her delegation attached great significance to the steps that had recently been taken to put on a secure basis the financing of the operation of all the human rights treaty bodies. In that connection, she drew the Commission's attention to the suggestion by the Committee on Economic, Social and Cultural Rights that the study on possible long-term approaches to the problem of enhancing the effective operation of existing and prospective bodies established under United Nations human rights instruments (A/44/668) should be updated and revised and presented to the World Conference on Human Rights in 1993.

62. Mr. MEZZALAMA (Italy) said that there was greater recognition than ever before of the fact that there could be no economic, social and cultural progress without democracy. At the same time, democracy was itself at risk if the requirements of economic development were not met.

63. In the past, there had been a tendency to emphasize the importance of promoting the individual through the implementation of his civil and political rights. However, it should not be forgotten that there was a fundamental interdependence among all human rights which had sometimes been obscured by acrimonious debate, even within the Commission itself. It was a welcome development, therefore, that no artificial distinction was any longer being made between individual and collective rights; the individual was, and remained, the prime beneficiary of fundamental freedoms, whether those rights were political and civil, on the one hand, or economic and social, on the other.

64. The new problem was to reconcile an improvement in the political situation with economic and social progress. Special pleading by interested parties asserted that, in developing countries, democracy and prosperity were mutually incompatible. That was not so; prosperity required economic freedoms which only democracy could ensure.

65. In view of the difficulties the recently democratized countries were facing, the solution might be to go beyond abstract discussion on whether a right to development existed and on its individual or collective nature, and to focus attention on increased efforts within the context of international economic cooperation.

66. The industrialized world was becoming increasingly aware of the need to assist developing and other countries which had opted for democracy in their efforts to improve the economic and social process. That challenge came from both the East and the South. The commitment of the international community, despite the difficult economic situation, to ensuring the achievement of economic, social and cultural rights by all countries, had to match its - largely successful - commitment to civil and political rights.

67. Mr. BAKHMIN (Russian Federation) said that there had been a slow but steady increase in the number of States ratifying the two International Covenants on Human Rights, accompanied by an increasing recognition of the importance and universality of the standards they contained.

68. As a successor State to the Soviet Union, democratic Russia reaffirmed its commitments under the Covenants and other international human rights treaties, which it regarded as a key element in its foreign policy. It considered the standards and norms they contained to be a major factor for consolidating and regulating world politics towards the end of the current century and a yardstick for determining the sincerity of a country's approach to the establishment of genuine democracy.

69. Human rights must take precedence over the interests of the State and ideological concerns. Recognition and implementation of human rights constituted not only a guideline for the democratic transformation of society but also a pledge of good faith, predictability and steadfastness in international relations. His Government accordingly called on all States that had not yet done so to accede to the Covenants and to incorporate the provisions thereof into their domestic legislation.

70. There were legitimate grounds for concern as to what would happen to the international obligations of the former USSR in the various successor Republics: some of them had already ratified the international instruments at least in part, while others had affirmed their adherence to the principle of respecting human rights and fundamental freedoms. Russia welcomed that approach.

71. There were, however, both objective and subjective impediments to the implementation of the standard-setting provisions of the Covenants in various countries, and those difficulties should be a subject of serious and impartial discussion in the Commission and other United Nations bodies concerned with human rights. The Centre for Human Rights had also an important part to play in that regard.

72. The question of the relationship between democracy and development was also of increasingly urgent concern to Russia and to many other countries. His own country's experience suggested that the era of paternalism in the relationship between the State and its citizens had come to an end, and that individuals must be free to take an active part in the development process and to choose, by democratic and legal means, the most suitable and effective forms of production and association.

73. That could only come about if human rights and freedoms - including the right to private property - were firmly upheld by the law and protected from the depredations of the State. It could hardly be fortuitous that virtually all the most developed and successful countries were those where the rule of law prevailed and where government was conducted openly and on the basis of free elections, political pluralism and respect for human rights.

74. The problem of development must not, of course, be seen as an abstract issue. Economic relations were, to some extent, also a matter for international legal regulation, and should not be dictacted by a tyranny of the strong over the weak. Apart from humanitarian assistance - which should not be tied to any conditions - an international community which claimed to be based on law and justice should give priority in development assistance to countries whose Governments were genuinely striving to strengthen democratic institutions.

75. Russia would continue to support the legitimate aspirations of the developing countries. It believed that further consideration should be given to elaborating the concept of the right to development, which would have to be implemented at the individual, national and international levels. It would be logical if the Commission were to concentrate on the legal and standard-setting aspect of the question leaving purely economic issues, such as indebtedness, to be dealt with in other more appropriate United Nations bodies.

76. Another problem of urgent concern was that of extreme poverty, which was also to be found in the developed countries, where, unfortunately, a glaring gap was often to be observed between rich and poor. On the basis of their own melancholy experience, Russians could attest to the fact that the egalitarian approach was not the right one. It was an illusion of totalitarian thinking to assume that everyone could be wealthy, just as it was an illusion to imagine that everyone could be happy.

77. None the less, there was an acceptable level of social well-being, below which human rights and dignity were at risk. It was therefore important that the Commission should continue to pay close attention to the legal aspects involved in ensuring economic, cultural and social rights, bearing in mind the fact that all human rights were indivisible.

78. Efforts must be made to enhance the effectiveness of the treaty bodies. In that connection, it would be useful to assess the extent to which the conclusions and recommendations of those bodies regarding national reports were accessible to the public at large in the countries concerned and were not restricted to a narrow circle of professionals. The aim should be to ensure that they had a genuine effect on legislative activity in the countries themselves.

79. The existing human rights monitoring machinery tended to function slowly, and serious consideration should be given to enhancing its effectiveness by providing financing for some of the treaty bodies from the regular budget of the United Nations. Greater coordination could be ensured by convening meetings of the chairpersons of those bodies and by devoting one of the global consultations or seminars organized by the Centre for Human Rights to a discussion of the topic.

80. Mr. KRENKEL (Austria) said that, at a time when the promotion and protection of human rights had become an indispensable part of good governance, States should have no difficulty in acceding to the International Covenants on Human Rights, and the Optional Protocols thereto, which constituted the foundation of the United Nations system of human rights protection. The 1993 World Conference on Human Rights would be a good occasion to achieve true universality for those instruments, thereby contributing to a further improvement of the human rights situation in individual countries.

81. In that connection, the effective functioning of the bodies established to monitor compliance with the human rights instruments was of the utmost importance. A number of urgent measures needed to be taken in order to enable the treaty bodies to deal more effectively with the huge number of communications and country reports submitted to them every year. The meetings of the persons chairing those bodies had produced a number of valuable suggestions in that regard and should therefore be continued. The study by an independent expert submitted to the General Assembly (A/45/668) also contained a valuable analysis and merited updating.

82. In that connection, the suggested establishment of a committee resource room for facilitating access to various sources of information, combined with the computerization of country reports and other relevant texts, would go a long way towards enhancing the effectiveness of the growing number of treaty bodies.

83. The Government of Australia had submitted a proposal at the forty-sixth session of the General Assembly concerning the funding of the Committee on the Elimination of Racial Discrimination from the regular United Nations budget. His delegation fully supported that proposal and hoped that a similar initiative would be taken with respect to the funding of the Committee against Torture.

84. At the recent summit meeting of the Security Council, the Federal Chancellor of Austria had emphasized that democracy and human rights were easily endangered in a state of poverty and that no system had ever been able to assure peace and security without providing social justice. He had added that the international community's search for peace could not be separated from the need to improve economic and social conditions everywhere. The Government of Austria thus shared the view that civil and political rights, on the one hand, and economic, social and cultural rights, on the other, were complementary, indivisible and interrelated.

85. In the view of his delegation, the key notion concerning the right to development was popular participation, which alone allowed people to participate in the decision-making process at all levels and thus to ensure self-development. Governments should create an environment conducive to popular participation and people should thus be encouraged to establish independent organizations at various levels that were democratically administered and self-reliant. An important instrument for such participation in the political and economic decision-making process was the holding of periodic elections.

86. The right to development was an objective which States should strive for by establishing the necessary social and economic conditions to enable individuals to achieve, through their own work, everything that they needed for a decent standard of living. Such efforts, however, could only be successful in a favourable international climate. Accordingly, the right to development should also be seen in the broader perspective of the responsibility of the international community to resolve economic and social problems and inequalities, to strengthen international cooperation, and to facilitate the establishment of a balanced, equitable and just world order.

87. Development cooperation was a fundamental instrument for tackling the current unsatisfactory situation. Popular participation in development cooperation should seek to integrate the individual human being into the process of designing and implementing development policies. Beyond the individual, such cooperation should be extended to intermediary structures, such as cooperatives and other grass-roots organizations. His delegation was convinced that there could be no real development without respect for human rights and the latter should thus form an integral part of development policies.

88. His delegation valued highly the work done by the Special Rapporteur on the realization of economic, social and cultural rights of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, and had studied his second progress report (E/CN.4/Sub.2/1991/17) with great interest. The issues of identifying economic and social indicators for evaluating progress towards the realization of economic, social and cultural rights were among the most important items on the international human rights agenda.

89. While the Committee on Economic, Social and Cultural Rights and the Commission itself were suitable forums for addressing the question of how economic, social and cultural rights should be implemented, they should not

deal with purely economic, financial and environmental problems, which were more appropriately handled by other United Nations organs and specialized agencies.

90. Mr. STUART (Australia) said that it was clear from the Charter that it had never been intended that the United Nations human rights objectives should be isolated from the system-wide effort to promote economic and social development. That artificial separation had resulted in 40 years of lost opportunities to work more closely with United Nations development agencies whose objectives, like those of the Commission, were to create a better life for people everywhere based on justice and respect for the human rights of everyone, irrespective of race, sex or religion.

91. The humanitarian agenda could no longer be confined to the periphery of international relations and the Commission should further that agenda by moving beyond debates about concepts. The first requirement was to ensure that there was broad international recognition of the role of human rights in the development process and that the denial of such rights constituted a serious obstacle to development.

92. For much too long, international development policy makers had failed to address human rights concerns directly. The various international development decade strategies adopted by the General Assembly had studiously avoided any suggestion that human rights and developmental goals were linked. In 1990, however, the issue had been addressed directly and the Development Strategy for the forthcoming Decade embraced human rights concerns, including the right to development.

93. The Declaration on the Right to Development provided that all human rights and fundamental freedoms were indivisible and interdependent and that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights. It was time to develop that argument more specifically and to demonstrate to the developmental bodies and specialized agencies, inter alia, how their work meshed in with the concerns of the Commission. To that end, the Centre for Human Rights should organize seminars on specific aspects of the indivisibility of human rights, such as the relationship between efforts to promote literacy, on the one hand, and the promotion of freedom of expression and popular participation in decision-making, on the other.

94. The humanitarian agenda should also include further efforts to promote popular participation as a basic condition for the enjoyment of human rights and progress in economic and social development. Popular participation was much more than consultation; it entailed expression of the popular will through the ballot box, plurality of opinion through a free press, the right to dissent, and freedom of assembly and association.

95. The Commission should synthesize the work done in various areas of the United Nations on the different facets of popular participation, including the full participation of women in decision-making, the promotion of free and periodic elections, and entrepreneurship. That would respond to the concern that greater democratization was needed to implement the right to development.

96. Another important item on the humanitarian agenda was action to shape an effective international role in promoting the integration of human rights and development activities at the national level. Violations of individuals' human rights were incompatible with the Declaration on the Right to Development, which required that States should take steps to eliminate obstacles to development resulting from failure to observe human rights. The idea that the priority given to developmental goals justified human rights abuses was thus inconsistent with the Declaration.

97. The Universal Declaration of Human Rights specified that everyone was entitled to a social and international order in which the rights and freedoms set forth therein could be fully realized. While the Commission did not need to prescribe detailed action in such areas as technical development assistance, debt relief, or the transfer of technology, it should not shrink from advocating the basic idea of greater international cooperation in promoting the right to development and the integration of the United Nations pursuit of human rights and developmental goals.

98. Some donor countries had stated that they would provide increased support for countries in which substantive and positive change was taking place. The recent meeting of Commonwealth Heads of Government, for example, had agreed to strengthen the capacity of the Commonwealth to respond to requests from its members for assistance in entrenching the practices of democracy, accountable administration and the rule of law. Similarly, the OECD Development Aid Committee had noted, in 1990, that allocational decisions would, in the future, be more influenced by a country's record of human rights and democratic practices.

99. That trend had given rise to some understandable concern since increased support for some countries must necessarily be at the expense of others, if the overall level of assistance did not change. Furthermore, there was concern that the human rights record of recipient countries might be linked to decisions on the allocation of aid in such a way as to dilute the importance of other criteria.

100. There would certainly be exceptional occasions when bilateral or multilateral measures to suspend or withhold the provision of aid would be justified but there were, nevertheless, many potential pitfalls for donor policies which sought systematically to link aid decisions to judgements on human rights. They included the risk of inconsistency, when the standards applied to weak developing countries were not the same as those applied to more powerful ones but political or geo-strategic considerations, or indeed other aspects of national interest, should not be disguised as decisions based on human rights.

101. Another pitfall was a failure to consider how international economic conditions, including access to industrialized markets and the debt burden, influenced the environment for pursuing human rights objectives in many developing countries.

102. It was also particularly important to ensure that those most affected by the setting of new conditions for the provision of aid were not the most vulnerable sectors of society, since the alleviation of poverty and humanitarian relief were also human rights objectives.

103. Lastly, coercive unilateral action was not a sound basis for an effective aid relationship. Indeed, dialogue between donors and recipients needed to be strengthened, particularly on human rights matters.

104. It was fully consistent with the broad view of human rights in the Declaration on the Right to Development that donor Governments should be concerned about the impact of the assistance they provided. It was also quite reasonable that they should measure that impact in terms not only of growth, exports and investments, but also of the influence on peoples' lives, including their human rights. That concern should be pursued through reasoned discussion in the Commission and in developmental bodies and through bilateral dialogue between donors and recipients. A cooperative and non-confrontational approach was needed.

105. His delegation had observed the growing interest in promoting human rights through development cooperation activities. Organizations such as ILO and UNICEF had already attempted to integrate human rights standards into their technical cooperation programmes and others, including the World Bank, should be encouraged to do so. For all its flaws, the controversial Human Freedom Index contained in the 1991 Human Development Report of UNDP represented an attempt to take human rights into account in assessing development progress, and his delegation welcomed the lively debate it had provoked.

106. As for the role of the Commission on Human Rights, an important first step was for it to break down the traditional compartmentalization of human rights and development. The view that the Commission was not competent in the latter area was unjustified and was the mirror image of the argument that human rights should be promoted only by bodies which had no economic influence. To promote a more informed debate in the Commission, his delegation proposed that representatives of the specialized agencies and United Nations developmental organs should participate in the Commission's debates. A regular survey should also be submitted to the Commission of current trends in developmental thinking and practice.

107. The Declaration on the Right to Development had laid the foundation for the integration of human rights concepts into the planning, execution and evaluation of development projects. The logical next step would be for the Commission to draw up guidelines for that integration and criteria for appraising the developmental process which reflected the universally accepted goals of promotion and protection of human rights.

108. Development should be regarded as a human rights issue. The fundamental human rights standards of the Universal Declaration of Human Rights and the two Covenants provided a ready framework for assessing developmental needs in human terms. Those instruments set out minimum common standards and conditions necessary for everyone to enjoy a decent and dignified life. Against that background, it should be possible to mobilize the moral outrage,

commitment and energy of the international community to overcome such problems as widespread illiteracy and extreme poverty with the same dedication as it reacted to torture and disappearances.

109. Mr. RASTIRAHONANA (Madagascar) said that since the launching of the Programme of Action for the Least Developed Countries, the number of LDCs had continued to grow and currently accounted for one tenth of the world's population. Indeed, instead of fading away, the question of development continued to occupy a place of priority on the agenda of the United Nations and its specialized agencies.

110. Underdevelopment meant the denial of economic, social and cultural rights. It meant illiteracy, lack of education, unemployment, malnutrition, poor housing, disease and death. The Commission should therefore attach particular importance to the protection of the right to development as a contribution to the realization of the hopes of every human being for economic, social and cultural progress.

111. The concept of a link between democracy and development had often been put forward both inside and outside the Commission. Democracy was held up as a prerequisite for the achievement of sustained and equitable development and it was argued that there could be no real development without respect for human rights. The idea had been acted upon in a number of developing countries and tribute should be paid to the remarkable efforts made by most third-world countries to establish political and trade-union pluralism, a system of free and fair elections and a free press. Major political and economic changes had been undertaken to create the conditions necessary for a viable long-term growth.

112. His delegation wished, however, to draw the Commission's attention to the fragile and precarious nature of those achievements of democracy. The introduction of pluralism was not in itself sufficient to transform a poor society into a prosperous one overnight. The transition to a market economy was subject to political and social constraints for which there were no short-term solutions.

113. Reforms would soon surpass, and in some cases had already surpassed, the threshold of tolerance of the populations. Disappointment of the expectations of rapid progress created tensions which threatened to interrupt, or even reverse, the democratization process. That process was not easy to sustain and the international community should give its full support to the efforts of the LDCs in that regard.

114. His delegation fully endorsed the proposals concerning the realization and strengthening of the right to development outlined in the report by the Secretary-General on the effective implementation of the Declaration on the Right to Development (E/CN.4/1992/10 and Add.1). It wished, in that connection, to highlight the idea of establishing a committee of high-level experts to prepare an annual report on the progress made in implementing the Declaration on the Right to Development and on the obstacles and difficulties in the way of its implementation. His delegation also supported the idea that the 1993 World Conference on Human Rights should give absolute priority to the right to development.

115. It was only by means of such measures and by establishing an international economic and political climate characterized by solidarity among the nations that the right to development could be realized and the process of democratization preserved.

116. Mr. NZEYIMANA (Burundi), speaking in exercise of the right of reply, said that, on the previous day, the representative of the World Organization against Torture, without referring in any way to acts of torture which were the primary concern of her organization, had singled out Burundi as a country in which the human rights situation needed to be closely monitored and had said that development assistance to Burundi should be linked to its performance in that regard. She had referred to alleged "massacres" that had taken place in November 1991.

117. That statement had, presumably, been prepared before its author had heard or read the one made by his delegation and delivered earlier in the same meeting to which the NGO statement had been addressed. His delegation had no wish to recapitulate the details of the acts of disorder that had occurred in November 1991. They were the result of terrorist aggression from abroad and the Government, closely monitored by human rights associations, had handled the crisis in a responsible way.

118. The incident had in no way jeopardized the political process under way nor the progress made towards national unity. No developing country was immune to events of that kind and the recent example of Venezuela, a country highly respected for its democratic process and its economic achievements, was instructive in that regard.

119. While he was all too well aware that much remained to be done to protect human rights in Burundi, he wished to point out that neutral observers in the country, such as diplomatic missions, international organizations, and non-governmental organizations, recognized the genuine efforts his Government was making to promote national unity and democracy, to carry out economic reforms with social justice, and to respect human rights. Such observers were, in fact, already providing the monitoring which the representative of the NGO in question had called for.

120. It would have been easier for him to clarify the situation if the representative of the NGO in question had spelt out the details of the alleged human rights violations in Burundi. His Government had nothing to hide, and he could only assume that the speaker in question had been misinformed. He therefore invited her to visit Burundi to study the situation there at first hand.

The meeting rose at 12.55 p.m.